IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4163 of 2006

DATED: 8.10.2007

Between:

Erla Durgaiah petitioner

And

The Managing Director
Singareni Collieries Co Ltd
Lakdikapool, Hyderabad and another Respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4163 of 2006

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not paying salary to the petitioner for the period he underwent treatment as illegal and arbitrary.

The petitioner is employed in the respondent company as "Trammer Underground". During August,2000 he suffered chest pain and underwent treatment at the Area Hospital and Osmania General hospital and on recovery from illness joined the duty on 13.12.2000. The grievance of the petitioner is that from August to December, 2000 he underwent treatment at company's hospital and Osmania General Hospital and is entitled to salary and in spite of his representation dated 5.8.2005, till date no action is taken. Hence, the present writ petition.

A counter affidavit is filed admitting hospitalization of the petitioner and stating that during August,2000 petitioner availed eight days earned leave and loss of pay for two days and remained absent for ten days which continued upto 9.11.2000 and since there were no leaves available to his credit, the petitioner is not entitled for salary.

Heard the learned counsel for petitioner and learned standing counsel for respondent company.

Since the petitioner do not have any leaves available to his credit, the respondent company treated the period of absence as loss of pay. The petitioner is governed by the rules of the company and when there are no leaves available to his account, he cannot claim salary for the absented period. Thus, there is no infringement of right of the petitioner and the petitioner has not made out a case for interference of this Court.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATED: 8.10.2007

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